

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL HART,
Personal Representative of the
Estate of Cody Serda,

Plaintiff,

v.

No. 1:19-cv-00529 MIS/JFR

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

ORDER DENYING MOTION TO EXTEND DISPOSITIVE MOTIONS DEADLINE

THIS MATTER comes before the Court on Plaintiff's Motion for Leave to Re-File Motion for Summary Judgment Out of Time, ECF No. 110. The Court previously struck Plaintiff's dispositive motion, filed July 3, 2023, as the deadline to file dispositive motions was April 18, 2022. *See* ECF Nos. 72, 95, 105. In fact, this case is set for trial on September 11, 2023. *See* ECF No. 92.

Once a scheduling order is issued, it "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). Here, Plaintiff argues that the resolution of Plaintiff's dispositive motion would substantially clarify the remaining issues to be tried and how they should be tried. ECF No. 110 at 3. The Court observes, however, that this is so for *all* dispositive motions except those which dispose of a case in its entirety, as the nature of such motions is to resolve claims and thus narrow the issues for trial. This argument does not, therefore, qualify as good cause for special treatment or an exception to the deadline for dispositive motions, which passed fifteen months ago. For these reasons, the Motion is **DENIED.**

IT IS SO ORDERED.



MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE